

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**vs.**

**JAMES BENNETT,**

**Defendant.**

)  
)  
)  
)  
)  
)  
)  
)  
)  
)

**8:05CR426**

**ORDER**

This matter is before the court on defendant's MOTION FOR CONTINUANCE OF TIME TO FILE PRETRIAL MOTIONS [17]. Defendant has filed a waiver of speedy trial. The deadline for filing pretrial motions expired on January 12, 2006; however, for good cause shown, and upon the representation that opposing counsel does not object, I find that the motion should be granted.

**IT IS ORDERED:**

1. Defendant's MOTION FOR CONTINUANCE OF TIME TO FILE PRETRIAL MOTIONS [17] is granted. Defendant is given until **January 26, 2006** to file substantive pretrial motions.

2. The ends of justice will be served by granting defendant's motion and outweigh the interests of the public and the defendant in a speedy trial. The additional time arising as a result of the granting of the motion, i.e., the time between **January 12, 2005 and January 26, 2006**, shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act for the reason defendant's counsel required additional time to adequately prepare the case, taking into consideration the diligence of counsel. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

3. The February 14, 2006 trial date remains in effect; however, trial may be rescheduled if any substantive pretrial motions are timely filed.

**DATED January 17, 2006.**

**BY THE COURT:**

**s/ F.A. Gossett  
United States Magistrate Judge**